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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,980	06/06/2002	Harald Grewe	(H)01PH0405USP	5962
7590 11/06/2008				
M Robert Kestenbaum 11011 Bermuda Dunes N E Albuquerque, NM 87111				
EXAMINER				
AMRANY, ADI				
ART UNIT		PAPER NUMBER		
2836				
MAIL DATE		DELIVERY MODE		
11/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/018,980

Applicant(s)

GREWE ET AL.

Examiner

ADI AMRANY

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 21-23, 25, 26 and 28-42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Stephen W Jackson/
Primary Examiner, Art Unit 2836

Continuation of 11, does NOT place the application in condition for allowance because: Regarding Ying, the loops of figures 7-8 contain data and power lines (col. 14, lines 22-33). Ying was primarily relied upon to meet the limitation of "the apparatus has at least one memory device for configuration storage." This limitation is clearly met by Ying, as the Ying CPU is connected to ROM and RAM modules.

Buhring discloses the series connection of modules; Ying discloses that the connection is controlled with a CPU that has memory for "configuration storage." Applicants admit that the references are related. One skilled in the art would readily understand how to add a memory device (CPU) to the Buhring module in order to record the results of the monitoring units (Buhring fig 12, items 61, 68; col. 8, line 33 to col. 9, line 40).

It is not necessary that Ying discloses each and every limitation that has been met by Buhring. The Final Rejection (July 1, 2008) shows that the Buhring and Ying contain many overlapping components to prove that they are related and that one skilled in the art would be motivated to add one more component (memory) to the Buhring device.

Prendel discloses outputting a voltage for testing purposes. Although Prendel does not expressly disclose the voltage is below 24v, one skilled in the art would recognize that the voltage is below that required by a bus user, since discovering an optimum value (24v) involves only routine skill in the art. One skilled in art would understand that a testing voltage (as in Prendel) is not the same as an operational voltage.

Buhring Ying and Prendel are analogous, as admitted by applicants. Further, one skilled in the art would be able to combine the module switches disclosed in Buhring, the switches and memory disclosed in Ying and the memory and module testing disclosed in Prendel in order to reach the claimed limitations.

Lastly, the pending claims recite providing a voltage below the voltage required by "a bus user." The bus user is not defined in the claims. Claim 21 recites an apparatus for connecting modules in series. The claims do not indicate any relationship between the modules and the bus user, or whether the bus user is a module.